



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Charles E. FARLEY *et al.*)
Serial No. 09/694,789) Examiner: Fortuna, J.
Filed: October 24, 2000) Group Art Unit: 1731
For: EMULSIFICATION OF ALKENYL) Atty Dkt No.: 005242.87031
 SUCCINIC ANHYDRIDE SIZE)

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully apply for reconsideration under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b) of the patent term adjustment indicated on the notice of Determination of Patent Term Adjustment mailed June 12, 2003 (“Notice”) in the above-captioned application.

The Notice set the term adjustment at 27 days. However, Applicants respectfully submit that such a determination is not correct and that the proper term adjustment is 63 days.

As indicated below, the first Office Action was mailed 63 days after the expiration of the 14 month time period for mailing a notice under 35 U.S.C. § 132 set forth in 35 U.S.C. § 154(b)(1)(A)(i)(I) and 37 C.F.R. § 1.702(a)(1).

The applicants did not engage in any actions that would require a reduction in the patent term adjustment under 37 C.F.R. §1.704. Accordingly, under 37 C.F.R. §§1.702(a)(1) and 1.703(a)(1) the period of adjustment should be the number of days between the first day after the expiration of the 14 month time period and the date on which the first Office Action was issued, which totals 63 days.

A statement of the facts is as follows:

The application was filed on October 24, 2000.

Fourteen months from the filing date of the application was December 24, 2001.

The first Office Action was mailed on February 25, 2002.

All Amendments/Responses by the applicants were filed within the three month time period set forth in 37 C.F.R. §1.704(b).

The above-captioned application is not subject to a terminal disclaimer.

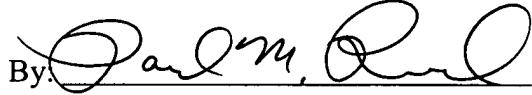
The above set forth facts clearly support Applicants' position that the proper term adjustment should be 63 days because (1) the number of days from December 24, 2001 to February 25, 2002 is 63 and (2) the Applicants did not engage in any conduct that could be considered a failure to engage in reasonable efforts to conclude examination as defined in 37 C.F.R. §1.704.

Applicants also submit herewith a Fee Transmittal authorizing the requisite fee under 37 C.F.R. § 1.18(e) (\$200) to be charged to our Deposit Account No. 19-0733. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733 as appropriate.

Applicants respectfully submit that the correct Patent Term Adjustment should be 63 days. A Notice to this effect and a correction of the patent term adjustment are requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

Paul M. Rivard

Registration No. 43,446

Date: August 13, 2003

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
1600

Complete If Known	
Application Number	09/694,789
Filing Date	October 24, 2000
First Named Inventor	Charles E. Farley et al.
Examiner Name	J. Fortuna
Art Unit	1731
Attorney Docket No.	005242.87031

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)				
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account:					3. ADDITIONAL FEES				
Deposit Account Number		19-0733			Large Entity	Small Entity			
Deposit Account Name		Banner & Witcoff, Ltd.							
The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.									
FEE CALCULATION									
1. BASIC FILING FEE									
Large Entity		Small Entity							
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid			
1001	750	2001	375	Utility filing fee		1255	1,970	2255	985
1002	330	2002	165	Design filing fee		1401	320	2401	160
1003	520	2003	260	Plant filing fee		1402	320	2402	160
1004	750	2004	375	Reissue filing fee		1403	280	2403	140
1005	160	2005	80	Provisional filing fee		1451	1,510	1451	1,510
				SUBTOTAL (1)		(\$ 0)			
2. EXTRA CLAIM FEES									
Total Claims		Extra Claims	Fee from below	Fee Paid					
					1501	1,300	2501	650	1300
Independent Claims					1502	470	2502	235	
					1503	630	2503	315	
Multiple Dependent					1460	130	1460	130	
					1807	50	1807	50	
					1806	180	1806	180	
					8021	40	8021	40	
					1809	750	2809	375	
					1810	750	2810	375	
					1801	750	2801	375	
					1802	900	1802	900	
				SUBTOTAL (2)		(\$ 0)			
Other fee (specify) <u>Patent Term Adjustment Fee</u> 300									
*or number previously paid, if greater; For Reissues, see above					*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 1600)				

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 824-3100
Signature				Date	8/13/03

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231